

State of California
Regional Water Quality Control Board
San Diego Region

REPLACEMENT: Executive Officer Summary Report
March 9, 2005

ITEM:

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SUBJECT:

PUBLIC HEARING: Receive public testimony on adoption of tentative Addendum No. 5 to Cleanup and Abatement Order (CAO) No. 92-01: Mission Valley Terminal, County of San Diego. The Regional Board will conduct a Public Hearing today, but take no action. The Regional Board will consider adoption of tentative Addendum No. 5 to CAO No. 92-01 no earlier than April 2005. (Kelly Dorsey)

PURPOSE:

Conduct a Public Hearing to receive public testimony on adoption of tentative Addendum No. 5 to CAO No. 92-01 (Supporting Document 2) establishing requirements for cleanup and abatement of groundwater pollution created by unauthorized discharges related to fuel conveyance and storage operations at the Mission Valley Terminal.

PUBLIC NOTICE:

A Public Notice of this agenda item was published in the San Diego Union-Tribune on January 27, 2005 (Supporting Document 7).

DISCUSSION:

The Regional Board issued Cleanup and Abatement Order No. 92-01 (CAO) on January 3, 1992, to Santa Fe Pacific Pipeline Partners, LP, Shell Oil Company, Mobil Oil Corporation, and Powerine Oil Company in response to the unauthorized discharge of petroleum hydrocarbon waste to soil and groundwater underlying the Mission Valley Terminal bulk storage facility and the off-property area including the Qualcomm Stadium facility (Supporting Document 1). The order included a final cleanup date of January 1, 1996. The final cleanup date was extended to January 1, 1999, when Addendum No. 1 to the order was issued on May 9, 1994. Addendum Nos. 2 and 3 were adopted to name Kinder-Morgan Energy Partners, LP O/P SFPP, LP, Equilon Enterprises LLC, Texaco Refining and Marketing Inc., and ExxonMobil Oil Corporation as Dischargers. Addendum

No. 4 removed the 1999 final cleanup date from the CAO and found that new cleanup dates would be recommended after review of the Discharger's proposed cleanup dates (Supporting Document 6).

In compliance with Time Schedule Order R9-2002-0042, the Dischargers provided the Regional Board with their "Final Summary Report" (dated January 30, 2004) for the Mission Valley Terminal. The Regional Board held a properly noticed Public Workshop on May 3, 2004 to collect verbal and written comments from the public on the "Final Summary Report."

The tentative Addendum updates the CAO to require that the Dischargers provide results from new pollution investigations, a revised/new corrective action plan, provide the Regional Board with a drinking water contingency plan (Water Replacement Plan under Water Code section 13304(h)), implement a formal monitoring and reporting program. The tentative Addendum also establishes new cleanup milestones, performance metrics, and compliance dates for cleanup and abatement of the off-property groundwater pollution.

SIGNIFICANT CHANGES:

Tentative Addendum No. 5 to CAO No. 92-01 (Supporting Document 2) establishes a Monitoring and Reporting Program, cleanup levels, and compliance dates for cleanup and abatement of the off-property groundwater pollution. A monitoring and reporting program is necessary to closely track the progress of the cleanup (Supporting Document 2). In February 2004, the Dischargers submitted their "Final Summary Report" proposing off-property cleanup milestones and compliance dates ranging from 2015 to 2034. The proposed cleanup dates were reviewed by Regional Board staff and Regional Board's technical consultants. New compliance dates for cleanup and abatement of the off-property pollution are proposed in this tentative Addendum, and are based on the information available to the Regional Board and the expertise of the our technical consultants (Supporting Documents 3, 4 and 5).

LEGAL CONCERNS:

None.

COMPLIANCE HISTORY:

See Supporting Document No. 8.

SUPPORTING DOCUMENTS:

1. Site map
2. Tentative Addendum No. 5 to CAO No. 92-01 and Monitoring and Reporting Program
3. Staff Report
4. Technical Report regarding the Mission Valley Terminal Remediation Activities and Potential Cleanup Timeline, Dr. Paul C. Johnson, Arizona State University and Dr. Margaret R. Eggers, Eggers Environmental, Inc. January 7, 2005.
5. REPLACEMENT: Vitae of Regional Board Technical Consultants
6. CAO No. 92-01 and Addenda 1 - 4
7. Public Notification
8. Mission Valley Terminal Time Line
9. Public Comments Received by February 22, 2005
10. Public Comments received after February 22, 2005

RECOMMENDATIONS:

Receive public testimony. Close the Public Hearing and public review and comment period. Adopt tentative Addendum No. 5 to Order No. 92-01 at a subsequent Regional Board meeting to be held no earlier than April 13, 2005.